

ORIGINAL

UNITED STATE DISTRICT COURT  
DISTRICT COURT OF NEW YORK

CV - 05 3787

Wei Jen HUANG and Mee Wah CHAN, ) Index No.: /2005

~~And Ralph Does 1 through 99,~~ Plaintiffs, )

—against )

Department of City Planning )  
Queen Office, New York City )  
and John Does 1 through 99, Defendants)Tony Avella  
Holly Civics  
Walheim Civics

Plaintiffs, hereby allege the civil right violation as follows:

Complaint

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THE PARTIES

1. Wei Jen Huang and Mee Wah Chan are the sole owners of the property located at 142-17 Cherry Avenue, Flushing NY 11355-2970. (Hereinafter "Plaintiffs' property.")
2. Plaintiffs' property is located in the county of Queens and State of New York.
3. Defendant Department of City Planning, Queens office, New York.
4. Defendant Tony Avella is city councilman who chairs Zoning committee
5. Defendants Holly Civics is a local civics in Flushing New York
6. Defendants Walheim Civics is a local civics in Flushing New York

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Flushing is a multi cultural area consisting of: Asian religion center, Indian temples, Buddhist temples, Korean Churches etc. Temples and churches attract Asians to settle here.
2. Plaintiffs' properties along with other properties will be affect by down zoning (total 38 houses), locate in Cherry Avenue between Kissina Avenue and Bowne Street, (Hereinafter, Cherry Ave.")
3. Cherry Avenue is a designed high-density low-income residential annex for the Flushing's rich, low-density up-class residential area. The value of

the former area is emphasized on the potential to develop while the value of the latter is emphasized on the "quiet" environment.

4. Asians are attracted to Cherry Avenue, because of the moderated financial resources.

5. After 911 tragedies, lower income Asians migrated from Chinatown to Flushing.

6. The demand for low income housing increase in Flushing since 911.

7. Cherry Avenue with R7-1 zone [the owner (38 homes owner, mostly Asian) formed a Cherry Robinson Union Home Owners Association to oppose this down zoning this zone scheme] is the only R7-1 zone left in Flushing.

8. Cherry Avenue R7-1 zone is the only zone that can use to develop affordable housing unit for Asians in Flushing.

9. To stop the development of affordable housing here is to stop the supply of low-income housing for Asians who wish to settle here.

10. Without affordable housing, moderated income Asians will have to leave Flushing.

11. To prevent the influx of Asian settlers (most of them are moderated income) into the Flushing region, City Planning propose to down zoning Flushing area.

12. City Planning officer working with other defendants specifically and selectively proposed sharp down zoning the R7-1 block so as to stop the influx of Asian abruptly.

13. City Planning bureaucrat plotted with local rich white residents using "Quality of Life" as an excuse and slogan to promoting down-zoning this specific R7-1 block so as to jerk up their own property value, despite most Cherry Ave. owners' protest.

14. On 5/26 City Planning Queen's director John Young assured to Plaintiffs and the owner association about the rezoning of the Cherry Ave. "

there is nothing on the table or under the table", since then the city official were not given any information related to this rezoning conspiracy nor respond to our calls. All the defendants know this plan and the outcome of this plan, as they define the target of the plan and execute the scheme accordingly.

15. As clever artifices, the defendants organized and orchestrated series of rallies to show the "plastic majority" to support the city's so call "contextual" zoning scheme, the first of this rally was announce on 7/01 and hold on 7/14.

16. Plaintiffs were not informed nor invited to participate in the decision-making process that direct impact our property before that rally.

17. In those rallies, the attendants—most white blue-collar and old retiree are not the residents of Cherry Avenue, they are look like pop up actors or actress who do not even live around our neighborhood.

18. Councilman Tony Avella coaxed us in saying that "after down zoning, your property value will go up, unless you sell it to the developer right away, then you will lose money." Right, my house will be worth more when the inflation play over the effect of the down zoned devolutions after a zillion years.

19. Councilman Tony Avella told us at one of the rally "contextual zoning (an euphemism for down zoning) is not down zoning, contextual zoning is a very technical intense idea and plan. You don't have to know. Trust us, it is good for you "; as we were told this is a very technical matter. The actors and actress in the rallies all understood and agreed that merely "contextual" zoning this specific streets block (with only 38 houses) will dramatically improve the Quality of Life of thousands of families in Flushing and probably will save the future of great Flushing

20. In the rally the supporters expressed ethnic undertone or overtone in their supporting statements, despite Plaintiffs pleaded with them not to resort to simple ethnic bashing solution. They all described how they were bother by the invasion of " Chinese restaurant, dead fish, garbage, dirty, indecent, exposure, money making etc." and why they became the supporters of this "contextual zoning" scheme to solve their "Quality of Life" problem. (One typical middle age female described how she walked in a neighborhood

Chinese takeout and she encountered topless Chinese constructional workers sat in each side of the this take-out, the sight of only 6 half naked Chinese worker bothered her so much that she decided to support this rally) It seem they all instructed by the same teacher.

21. The defendants determined to down zone our merely 38 houses but support the Rockefeller Development Corps' billion dollar 5 acres Municipal parking lot mammoth "Flushing Commons" residential complexes within our walking distance. When they are chanting "Quality of Life" against us, it is no clear what is the defendants' motive, is it either in for Deep pockets? Or out of ethnic hatred or for both?

22. Defendants are the victims of this unfair and illegal ethnic practice.

23. The Defendants' scheme dramatically affects Plaintiffs' legal right and destroys Plaintiffs' property value.

24. Defendants has deprived and harmed Plaintiffs' right to develop and transfer Plaintiffs' properties.

25. Plaintiff have attempted to contact Defendants many times since the early stage of the conspiracy and try to stop Defendants' ethnic antipathy violation without any reasonable response from Defendants except stronger antagonism.

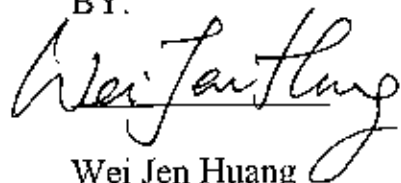
WHEREFORE, Plaintiff respectfully appeal and requests that this Court order

- 1) Defendants stop continuing this illegal practice and harassments,
- 2) Award the Plaintiffs money damages and such and other relief as this Court may deem just and proper

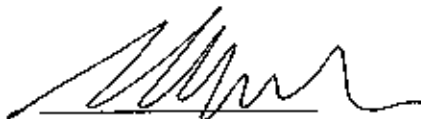
Dated this 10th Day of August, 2005

New York, New York

BY:



Wei Jen Huang



and Mee Wah Chan

142-17 Cherry Avenue, Flushing NY 11355  
(718) 358-2873